

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

NORMAN AKINS,

Petitioner,

vs.

JIM MOORE,

Respondent.

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Case No. 4:05CV01322 ERW (FRB)

**MEMORANDUM AND ORDER**

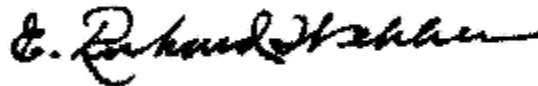
This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Frederick R. Buckles [doc. #10] pursuant to 29 U.S.C. § 636(b).

The Court notes that no objections were filed to the Report and Recommendation within the time period afforded by 28 U.S.C. § 636(b)(1). After consideration of the issues, the Court hereby sustains, adopts, and incorporates herein the Magistrate's Report and Recommendation. In addition, the Court finds that Petitioner cannot make a substantial showing of the denial of a constitutional right, which is required before a certificate of appealability can issue. *See Cox v. Norris*, 133 F.3d 565, 569 (8th Cir. 1997). Therefore, the Court shall not issue a certificate of appealability as to the claim raised in Petitioner's § 2254 petition.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner Norman Akins's § 2254 Petition [doc. #1] is **DENIED**.

Dated this 24th day of March, 2006.



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E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE